

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN, and
SHAUN D. COHEN,

Defendants.

Civil Action No. 1:18-cv-5587

Magistrate Judge John Z. Lee

**MORTGAGEES' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE AND OBJECTIONS TO (1) RECEIVER'S TENTH
INTERIM APPLICATION AND MOTION FOR COURT APPROVAL OF
PAYMENT OF FEES AND EXPENSES OF RECEIVER AND RECEIVER'S
RETAINED PROFESSIONALS [DKT. 945] AND (2) THE RECEIVER'S
MOTION FOR APPROVAL TO PAY PREVIOUSLY APPROVED FEES
AND COST AND FOR INTERIM PAYMENT OF CONTINUING CLAIMS
PROCESS FEES AND COSTS PURSUANT TO RECEIVER'S LIEN [DKT. 947]**

The Mortgagees¹ respectfully request that this Court enter an order granting the Mortgagees 14 additional days to file their Response And Objections To (1) Receiver's Tenth Interim

¹The Mortgagees are Freddie Mac; Citibank N.A., as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB48; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB30; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB41; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB50; Wilmington Trust, National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Trust 2014-LC16, Commercial Mortgage Pass-Through Certificates, Series 2014-LC16; Wilmington Trust, National Association, as Trustee for the benefit of the registered holders of UBS Commercial Mortgage Trust 2017-C1, Commercial Mortgage Pass-Through Certificates, Series 2017-C1; Federal National Mortgage Association ("Fannie Mae"); BMO Harris Bank N.A.; Midland Loan Services, a Division of PNC Bank, National Association; Midland Loan Services, a Division of PNC Bank, N.A. as

Application And Motion For Court Approval Of Payment Of Fees And Expenses Of Receiver And Receiver's Retained Professionals ("Tenth Fee Petition") [Dkt. 945] and (2) the Receiver's Motion for Approval to Pay Previously Approved Fees and Cost and for Interim Payment of Continuing Claims Process Fees and Costs Pursuant to Receiver's Lien ("Fee Payment Motion") [Dkt. 947]. Plaintiff United States Securities and Exchange Commission ("SEC") and the Receiver have advised that they have no objection to the relief sought in this Motion. In support of their Motion, the Mortgagees state as follows:

1. On February 8, 2021, this Court set a briefing schedule for the Receiver's Fee Payment Motion, which provided that responses were due on or before March 9, 2021. [Dkt. 939.]
2. On February 23, 2021, the Receiver filed his Fee Payment Motion [Dkt. 947].
3. On February 23, 2021, the Receiver filed his Tenth Fee Petition [Dkt. 945].
4. On February 24, 2021, this Court entered an order that any objections to the Receiver's Tenth Fee Petition were due on or before March 9, 2021. [Dkt. 948.]
5. During the past two weeks, Counsel for the Mortgagees taking the lead in preparation of the objections and responses has been engaged in drafting two briefs due the week of March 8, negotiating the terms of the CloudNine contract for the EquityBuild electronic document platform, attending several court hearings, and attending to other matters, all of which has precluding him from attending to the preparation of responses and objections to the Receiver's Fee Payment Motion and Tenth Fee Petition.

servicer for Colony American Finance 2015-1; Midland Loan Services, a Division of PNC Bank, N.A. as servicer for Wilmington Trust, N.A., as Trustee for the Registered Holders of Corevest American Finance 2017-2 Trust, Mortgage Pass-Through Certificates, Series 2017-2; Midland Loan Services, a Division of PNC Bank, N.A. as servicer for Wilmington Trust, N.A., as Trustee for the Benefit of Corevest American Finance 2017-1 Trust Mortgage Pass-Through Certificates; BC57, LLC; UBS AG; Thorofare Asset Based Lending REIT Fund IV, LLC; and Liberty EBCP, LLC.; Direct Lending Partner LLC (successor to Arena DLP Lender LLC and DLP Lending Fund LLC) 1111 Crest Dr., LLC, Pakravan Living Trust, Hamid Ismail, and Farsaa, Inc.

6. Counsel for the Mortgagees have conferred with counsel for the SEC and the Receiver, who have indicated they do not object to the relief requested in this Motion.

WHEREFORE, the Mortgagees respectfully request that this Court enter an Order granting an additional 14 days to March 23, 2021 to file their Response And Objections To (1) Receiver's Tenth Interim Application And Motion For Court Approval Of Payment Of Fees And Expenses Of Receiver And Receiver's Retained Professionals ("Tenth Fee Petition") [Dkt. 945] and (2) the Receiver's Motion for Approval to Pay Previously Approved Fees and Cost and for Interim Payment of Continuing Claims Process Fees and Costs Pursuant to Receiver's Lien ("Fee Payment Motion") [Dkt. 947].

Respectfully submitted,

<p><u>/s/ Michael Gilman</u> Michael Gilman (6182779) mgilman@dykema.com Dykema Gossett PLLC 10 S. Wacker Drive Suite 2300 Chicago, Illinois 60606 (312) 627-5675 <i>Counsel for Federal Home Loan Mortgage Corporation Wilmington Trust, National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Trust 2014-LC16, Commercial Mortgage Pass-Through Certificates, Series 2014-LC16; Wilmington Trust, National Association, as Trustee for the Registered Holders of UBS Commercial Mortgage Trust 2017-C1, Commercial Mortgage Pass-Through Certificates, Series 2017-C1; Citibank N.A., as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB48; Federal National Mortgage Association; U.S. Bank National Association, as Trustee for the registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-</i></p>	<p><u>s/ James P. Sullivan</u> James P. Sullivan James P. Sullivan (6256746) CHAPMAN AND CUTLER LLP 111 W. Monroe Street Chicago, Illinois 60603-4080 312.845.3445 (P) 312.701.2361 (F) jsullivan@chapman.com <i>Counsel for BMO Harris Bank N.A.</i></p> <p><u>s/ Jill L. Nicholson</u> Jill L. Nicholson (jnicholson@foley.com) Andrew T. McClain (amcclain@foley.com) Foley & Lardner LLP 321 N. Clark St., Ste. 3000 Chicago, IL 60654 Ph: (312) 832-4500 Fax: (312) 644-7528 <i>Counsel for Citibank N.A., as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB48; U.S. Bank National Association, as Trustee for the</i></p>
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<p><i>Through Certificates, Series 2017-SB41; U.S. Bank National Association, as Trustee for the registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB50; U.S. Bank National Association, as Trustee for the registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB30 Sabal TL1 LLC; Midland Loan Services, a Division of PNC Bank, N.A. as servicer for Wilmington Trust, N.A., as Trustee for the Benefit of Corevest American Finance 2017-1 Trust Mortgage Pass-Through Certificates; Midland Loan Services, a Division of PNC Bank, N.A. as servicer for Wilmington Trust, N.A., as Trustee for the Registered Holders of Corevest American Finance 2017-2 Trust, Mortgage Pass-Through Certificates, Series 20172; BC57, LLC; UBS AG; 1111 Crest Dr., LLC, Pakravan Living Trust, Hamid Ismail, Farsaa, Inc.</i></p>	<p><i>Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB30; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB41; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB50; Wilmington Trust, National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Trust 2014-LC16, Commercial Mortgage Pass-Through Certificates, Series 2014-LC16; Federal National Mortgage Association; and Sabal TL1, LLC</i></p>
<p><u>s/Jay L. Welford</u> Jay L. Welford jwelford@jaffelaw.com JAFJE RAITT, HEUER & WEISS, P.C. Jay L. Welford (P34471) 27777 Franklin Road, Suite 2500 Southfield, Michigan 48034 (248) 351-3000</p> <p><u>s/ Mark S. Landman</u> mldandman@lcbf.com Landman Corsi Ballaine & Ford P.C. 120 Broadway, 13th Floor New York, NY 10271 Ph: (212) 238-4800 Fax: (212) 238-4848 Counsel for Freddie Mac</p>	<p><u>s/ William J. Serritella, Jr.</u> William J. Serritella, Jr. wserritella@taftlaw.com Zachary R. Clark zclark@taftlaw.com Taft Stettinius & Hollister LLP 111 East Wacker Drive, Suite 2800 Chicago, IL 60601 (312) 527-4000</p> <p><u>/s/ James M. Crowley</u> James M. Crowley jcrowley@plunkettcooney.com Plunkett Cooney, PC 221 N. LaSalle Street, Ste. 1550 Chicago, IL 60601 Ph: (312) 970-3410 Fax: (248) 901-4040 Counsel for UBS AG</p>

<p><u>/s/ Thomas B. Fullerton</u> Thomas B. Fullerton (6296539) Akerman LLP 71 S. Wacker Drive, 47th Floor Chicago, IL 60606 (312) 634-5700 thomas.fullerton@akerman.com</p> <p>Michael D. Napoli (TX 14803400) Akerman LLP 2001 Ross Avenue, Suite 3600 Dallas, TX 75201 (214) 720-4360 michael.napoli@akerman.com <i>Counsel for Midland Loan Services, a Division of PNC Bank, National Association</i></p> <p><u>/s/ Jason J. DeJonker</u> Jason J. DeJonker (6272128) Jessica D. Pedersen (6327432) jason.dejonker@bclplaw.com jessica.pedersen@bclplaw.com BRYAN CAVE LEIGHTON PAISNER LLP 161 N. Clark Street, Suite 4300 Chicago, IL 60601 (312) 602-5000 <i>Counsel for Direct Lending Partner LLC (successor to Arena DLP Lender LLC and DLP Lending Fund LLC)</i></p>	<p><u>/s/ Scott Mueller</u> Scott B. Mueller, #6294642 Scott.Mueller@stinson.com 7700 Forsyth Blvd., Suite 1100 St. Louis, MO 63105 Phone: (314) 863-0800 Fax: (314) 259-3931 <i>Attorneys for BMO Harris Bank, N.A., and Midland Loan Services, a division of PNC Bank, NA, acting under authority designated by Colony American Finance Lender, LLC, assignee Wilmington Trust, N.A. as Trustee for the benefit of registered holder of Colony American Finance 2015-1</i></p> <p><u>/s/ David Hart</u> David Hart dhart@maddinhauser.com Maddin, Hauser, Roth & Heller, P.C. 28400 Northwestern Highway Suite 200-Essex Centre Southfield MI 48034 Phone: (248) 827-1884 Fax: (248) 359-6184 <i>Counsel for BC57, LLC</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2021, I caused the foregoing **Motion** to be electronically filed with the Clerk of Court through the Court's CM/ECF system, which sent electronic notification of such filing to all parties of record.

/s/ Michael A. Gilman

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